

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20054

In the Matter of:

Broadcast Localism

)  
)  
)  
)  
)

MB Docket No. 04-233

**COMMENTS OF THE NATIONAL ACADEMY OF  
RECORDING ARTS & SCIENCES, INC.**

The National Academy of Recording Arts & Sciences, Inc. ("Recording Academy"), hereby submits its comments on the notice of inquiry in the above-captioned proceeding.<sup>1</sup>

**INTRODUCTION**

The Recording Academy is an organization comprised of musicians, producers, engineers and other recording professionals who are dedicated to improving the cultural condition and quality of life for music and those who create music. The Recording Academy is most well-known for its sponsorship of the GRAMMY Awards which each year acknowledge and honor artistic achievement, proficiency and overall excellence in music, without regard to album sales or chart position. In addition to presenting the GRAMMY Awards, the Recording Academy's mission includes education and advocacy on critical public policy issues affecting the musical community through its GRAMMY Cultural Policy Initiative, which advances the rights of the music community through advocacy, education, and dialogue. The impact of broadcast consolidation on broadcast localism in general, and on local decision-making regarding music entertainment programming in particular, is one of the most critical public policy issues affecting the Recording Academy and its members.

---

<sup>1</sup> In the Matter of Broadcast Localism (*Notice of Inquiry*), FCC 04-129, released July 1, 2004 ("NOI" or "Notice"). By Order issued August 4, 2004 (DA 04-2457), the deadline for initial comments was established as November 1, 2004.

Broadcast radio long has been an important source for the presentation of music and musical talent as well as a source for local expression and presentation of local talent. For that reason, the Recording Academy has been concerned about the rapid consolidation of broadcast station ownership in recent years and the effect of that consolidation on broadcast localism. Accordingly, the Recording Academy welcomes this Commission inquiry and appreciates this opportunity to share with the Commission its views on changes within the broadcast industry which have reduced the importance of local content to many licensed broadcasters, and the consequences of those changes on the artistic community.

**I. MUSIC PROGRAMMING SHOULD BE AN IMPORTANT FOCUS OF THE COMMISSION'S LOCALISM INQUIRY**

The Recording Academy recognizes that many of the questions raised by the Commission in the Notice involve matters other than entertainment programming. Much of the focus of the inquiry will be on such issues as information programming responsive to community problems, political broadcasting, disaster warning information, local news, etc. The Recording Academy appreciates that those are important issues which must be addressed in light of the changes which have taken place in the broadcast industry in recent years, including the profound consolidation of ownership. However, the Recording Academy is especially concerned about those industry changes which have impacted and may continue to impact entertainment programming, specifically music selections for broadcast on local stations, and how those selections are made.

In the Commission's 1960 En Banc Programming Inquiry,<sup>2</sup> it identified fourteen elements of broadcast programming deemed necessary to meet the public interest, desires, and

---

<sup>2</sup> Report and Statement of Policy Re: Commission En Banc Programming Inquiry, 44 FCC 2303 (1960).

needs of broadcast licensees' communities of license. Significantly, that list of elements (which was not intended to be an all-inclusive list) included "entertainment programming" (including music entertainment) and the "development and use of local talent." Entertainment programming, including music, responsive to the interests, needs and desires of communities of license, and development of local talent are no less important to the public interest today than they were forty-four years ago. Unfortunately, those elements seem to have diminished in importance to station owners, many of whom are non-local, and have taken a back seat to such self-serving concerns as enhancement of station revenues and stimulation of allied concert promotion businesses. The result has been a substantial reduction of local music talent heard on local radio stations and an increasing trend toward music selection decisions (often reflected in national "playlists") being made by absentee owners with little or no interest in the communities of license and often with no input from residents of those communities.

Therefore, the Recording Academy strongly urges the Commission to consider the impact of changing ownership trends in radio broadcasting on the music entertainment being provided on local stations and to consider adoption of appropriate rules and policies to reverse these disturbing trends in music selection decision making.

## **II. PAYOLA AND OTHER FORMS OF COMPENSATION-BASED MUSIC SELECTION DECISIONS UNDERMINE BROADCASTERS' ABILITY TO MEET THEIR OBLIGATIONS TO PROVIDE PROGRAMMING RESPONSIVE TO THEIR COMMUNITIES**

In the NOI, the Commission defines "payola" as the "unreported payment to, or acceptance by, employees of broadcast stations, program producers and program suppliers of any money, services, or valuable consideration to achieve airplay for any programming."<sup>3</sup> Payola

---

<sup>3</sup> Notice at ¶ 33, quoting from Public Notice – Commission Warns Licensees About Payola and Undisclosed Promotion, 4 FCC Rcd 7708 (1988).

and other compensation arrangements which motivate broadcast licensees to select programming, including music entertainment programming, based on their financial interests rather than on community responsiveness is inconsistent with localism.<sup>4</sup>

As the Commission is well-aware, payola and comparable arrangements are not new to the broadcast industry. Payola was the subject of Commission proceedings as long ago as the 1960s. Moreover, Sections 317 and 507 of the Communications Act were enacted in response to those practices, and Section 73.1212 of the Commission's rules was promulgated by the Commission to implement Section 317. However, with fewer and fewer large entities controlling more and more licensed stations, local ownership and local accountability in the radio business largely has disappeared.

Such consolidation has occurred in parallel with a significant increase in practices in which so-called "independent" promoters insert themselves – for a fee – between radio stations and large national record label companies. Under such arrangements, these "indies" as they are often referred, provide monetary compensation to radio stations for the exclusive right to promote music to the stations. They then charge the record companies fees to market music to the licensed stations. In short, rather than compensating stations directly for preferential broadcasting of their music, record companies do so indirectly through these "indies." The Recording Academy also has become aware of situations where musicians and their promoters are required to compensate broadcast station "indies" even where they otherwise deal directly with the stations.

The result is largely the same whether the compensation mechanism is direct or indirect. What music the stations play and, more importantly, what music the public hears, is determined

---

<sup>4</sup> *Id.*

not by the licensed broadcaster, not by public demand or request, but rather is often determined based on financial compensation received by the licensed broadcast stations. Who benefits from these arrangements? The station owners who receive additional compensation and the “indies” who profit by acting as middlemen. Who is harmed by these arrangements? Victims include the public, which hears the music that the station owner has been paid to play, rather than the music which the station owner has determined to be appropriate in its capacity as a public trustee. Of even greater importance to the Recording Academy, music artists themselves are victims since their opportunity to have their music heard and to have their music accepted or rejected by the public is driven not by their talent, not by their hard work, not by their creativity, but rather by whether a large corporation is compensating station owners to play their music.

Such behavior is and always has been antithetical to broadcasting based on the public interest. However, the problems described in the preceding paragraphs have been exacerbated by the recent consolidation in the radio industry. Whatever non-monetary incentives to make program and music selection decisions based on perceived community desires and preferences have largely been eroded with the growth of non-local station owners. This development was articulated concisely and articulately by Recording Academy Texas Chapter board member and multiple GRAMMY-winning recording artist, Ray Benson, during the Commission’s regional hearing on localism in San Antonio, Texas on January 28, 2004. Mr. Benson stated that: “. . . it seems unfortunate that in an era when so much great music is being recorded by talented artists, none of it gets a shot on the airwaves, even in its hometown.”

### **III. RECORDING ACADEMY MEMBERS SHARE ITS CONCERNS REGARDING THE ADVERSE IMPACT THAT STATION OWNERSHIP CONSOLIDATION AND NON-LOCAL STATION OWNERSHIP HAVE HAD ON BROADCAST LOCALISM IN GENERAL AND ON MUSIC PROGRAMMING IN PARTICULAR**

In anticipation of its participation in this inquiry proceeding, the Recording Academy decided to go beyond its professional staff and its leadership and to solicit the views of its membership on the impact of recent changes in broadcast station ownership on broadcast localism and on selection of music and entertainment programming. Attached to these comments as Attachment 1 is the letter which the Recording Academy sent to its membership inviting members to submit descriptions of their experiences with local broadcast stations and their efforts to have their music played on local stations. In response to this request for input, the Recording Academy received well in excess of 100 e-mails from members describing practices and policies of local radio stations. The Recording Academy has selected approximately two dozen representative examples of those responses and has attached those responses to these comments as Attachment 2. Those attached responses contain factual information as well as views and opinions of individual Recording Academy members, each of whom are identified by name. While the Recording Academy cannot attest to the accuracy of each response submitted to it by its members, the Recording Academy believes that the circumstances described in those responses as well as the conclusions articulated therein represent responsible and well-considered music industry concerns regarding the current commercial radio market in the wake of industry consolidation.

One member describes the practice of “pay for play” which has become prevalent in increasingly consolidated radio markets. Several Recording Academy members note that in

some markets, the only radio stations willing to play music of local artists are non-commercial stations since the commercial stations are increasingly subject to the programming dictates of national corporate organizations far removed from the stations' communities of license. One Recording Academy member's response identifies special programming difficulties with regard to Hispanic-oriented programming, including local Hispanic music.

The comments of Recording Academy members attached to these comments are offered only to provide the Commission with first hand information provided directly by members of the music creative community. Those experiences corroborate the circumstances described by the Recording Academy in these comments.

#### **IV. WHAT NEEDS TO BE DONE TO ENSURE LOCALISM IN BROADCAST ENTERTAINMENT PROGRAMMING CHOICES**

The Recording Academy recognizes that the instant proceeding is an inquiry proceeding and that the Commission will not consider adoption of new or revised rules other than in a rulemaking proceeding. However, it has become apparent to the Recording Academy, its members, and others involved in the music community, that changes in the broadcast industry resulting from ownership consolidation, non-local ownership trends, and integration of station ownership and concert promotion firms have profoundly reduced the broadcast of music selected by local stations in response to perceived tastes and wants of their communities, and have sharply reduced, if not largely eliminated, opportunities for development of local musical talent in most markets. These developments adversely affect the public interest and should be of concern to the Commission.

The Recording Academy recommends that the Commission promptly commence a rulemaking proceeding in which it proposes rules to require that broadcast stations licensed to specific communities provide entertainment programming in response to the needs, tastes and desires of those communities; and that its rules governing direct and indirect compensation to station owners or employees in exchange for playing selected content, including music, be revised to prohibit compensation to stations provided through third parties, including so-called "indies." The Recording Academy looks forward to participating throughout this inquiry proceeding and to participating actively in a rulemaking proceeding as suggested in these comments.

Respectfully submitted,

**NATIONAL ACADEMY OF RECORDING  
ARTS & SCIENCES, INC.**

A handwritten signature in black ink, appearing to read 'MFB', is written over a horizontal line.

Mitchell F. Brecher

GREENBERG TRAURIG, LLP  
800 Connecticut Avenue, NW  
Washington, DC 20006  
(202) 331-3100

*Its Counsel*

November 1, 2004



# Attachment 1

The Recording Academy will be submitting comments to the Federal Communication Commission about localism in radio, and we want to include the voices of Academy members. Selected replies to this email will be included in our official filing with the Commission.

The FCC's "localism task force" is trying to determine the extent that current practices in radio prevent the airing of local media content. Specifically, the Academy is interested in learning about your experience with access--or lack thereof--to your local radio stations.

The FCC specifically mentions "payola," "independent promoters" and "national playlists" as areas of interest. We would like to know your thoughts on these areas.

Please include the following information in your reply:

1. Your name, city and state
2. Your occupation/role in the music industry
3. Your personal experience of seeking access to your local radio stations

REPLIES WILL NOT BE CONFIDENTIAL. Once filed with the FCC, the Academy's comments become a public document, available on the FCC's website. Please be aware that if your comments are included, they will be made public as well. Replies must be received by Friday, October 29.

The Recording Academy looks forward to continuing its work with the FCC's Localism Task Force, and ensuring that they hear the voices of the music community.

## Attachment 2

Greetings,

I am a voting member of NARAS. I am also an entertainment attorney that has represented recording artist both on major and independent labels. I also represent independent record labels that seek radio airplay for their artists. My experience, regarding the issues before this commission is based on the information I have been privy to during my representation of these clients. Specifically, the independent record labels I represent have experienced restrictive access to radio airwaves for artists whose recorded music is not only of a high quality but has a consumer demand in a particular city, that should normally rise to a level of interest to a local radio station. Further, these clients are restricted from advertising because of the requirements of the stations to purchase multiple advertising packages at the same rates the major labels pay for to reach a similar target audience.

The problem is two-fold. The multiple ownership of mega corporations of so many stations in a single market and the practice of "pay for play". Major labels rely very heavily upon commercial radio for record sales. They've set a terrible precedent by paying hundreds of thousands of dollars to promoters, who, in turn, pay radio stations those hundreds of thousands of dollars to play the label's music. No matter how labels are able to circumvent the law, the practice is still basically "payola." There's a federal law against it. But the law only prohibits record labels from paying radio stations directly. A loophole in the law allows a promoter to pay stations on a label's behalf. Maybe you've wondered why you hear certain artists so often on commercial radio. Well, someone is paying to make sure you do. And because of the significant amounts being paid, only the major labels are able to pay the sums requested by the independent promoters and radio stations. Further, there is no shame in this practice. Executives of Clear Channel Communications have repeatedly been interviewed on national television stating they will continue the practice until someone changes the law.

This practice, coupled with the loosening of laws that used to limit the number of stations one company can own in each market, has had a significant negative impact on radio. Now, most commercial radio stations in the US are owned by a few very large corporations that dictate what you're going to hear. This is why radio sounds the same no matter where in the country you travel. The parent corporations aren't concerned about the health of the music industry, the towns and cities in which their stations are located, or what the listeners want to hear. Sadly, commercial radio has become little more than an outlet for advertising. It's all about the bottom line. I don't mean to sound cynical; that's just the way it is. Radio stations have repeatedly espoused that are serving the local market by playing music that the consumer in a specific city wants to hear and reporting local news. I truly believe that the owners of radio stations sincerely believe that they are serving the local market by providing the local traffic and weather in between a play list derived from MTV for its stations in Los Angeles, Houston and Nashville.

Major labels helped to build this system to eliminate competition and limit consumer choices. This means that for the foreseeable future, major labels will continue to monopolize commercial airwaves in a misguided effort to help radio stations sell advertising instead of creating programming that serves the public. You will not be able to change the practices of national giants by forcing them to insert a local artist in their rotation or make sure they include a local human interest story in their new report. Nor would the consumer want you to as a way of injecting a little bit of home cookin'. .By eliminating "pay for play" you might create an equal playing field for a few larger independent labels to influence the music directors to play music based on quality and interest in that particular market. At least you might create an atmosphere that begins to allow music directors to play music that might have a market specific interest. But the biggest improvement for serving local interests will come from changing the ownership rules. By designating a certain number of radio stations to be owned by local owners and creating a process to stream line these applications as well as remove the barriers for creating more neighborhood based radio stations (currently the restrictions make these type of stations impractical to start), you can create a balance of competing interest in the airwaves.

J. Scott "Skip" Rudsenske

J S Rudsenske, PLLC

631 Woodland Street

Nashville, TN 37206

(615) 228-6005 Tel

(615) 244-7177 Direct

(615) 244-7178 Fax

[skip@jsrlaw.net](mailto:skip@jsrlaw.net)

Parris Lane  
7th Generation from Annapolis, Maryland  
Recently moved to Las Vegas, Nevada  
Singer, Emmy nominated Actress;  
Producer, Writer of Recorded Music and Variety Shows  
[www.Parrislane.com](http://www.Parrislane.com)

This is a huge problem and finally the FCC is waking up to the matter. I went to several college stations and sent letters, CD and phone call each radio station in MD/DC/VA to get my music played. Yes I know that everyone feel that their music is great but I know for a fact that some of my songs could've been played on the radio. The guy that produced certain songs had done several hits, including one for Vanessa Williams (Dreamin).

I have record label quality songs included on that CD. Not to compare but when you hear junk being played and non-singers on the radio and you say to yourself how did that get on the radio? Payola.

People ask me all the time and I tell them. Payola! Then explain about this dark side of the music industry.

It hurts when you are from an area and they won't help to promote you unless there is something personally in it for them. What made me realize how big the problem was , when I heard Stings manager making the same complaint about American Radio Stations.

It's not just the big boys...it's the college stations included. Everyone's in on the game.

I was at Howard University and I remember a representative from Warner being there in the Lobby. We had met only the previous year and when he saw me coming out of the office after the program director had promised to play the record the guy from Warner clearly stated "Parris he won't play your music!" the guy from Howard told him " Shut up Man" and the guy from Warner stated "I'm being honest to you Parris, he won't play your music unless you pay him". The guy repeated "shut up man". Well the representative from Warner was telling the truth because my music was never played.

At Morgan Jazz station the program director Step father unknown to me.. was the bass player on the songs I had recorded in Philadelphia on this CD. He had promised also. Still it never happened.

These are the local stations that played my songs. WPFW in DC that played my

jazz songs "All the Way, Fly Me to The moon"; WNAV, WYRE, WRNR played the pop remake of Paul McCarthy's "My love ".

My gospel songs were played only a couple of time by Heaven 600, and I believe it was WGBR it was run by Susanne Woods who treated me like a treasure. This is truly how all locals should be treated it's promoting and encouraging your home grown talent.

By the way...my songs were mostly played in Austria. When Jesus stated that a man is without honor in his own home town, this is what he meant. Too much to handle, so I moved.

This is why record sales are down, junk is on the American radio, and mediocracy is praised ....PAYOLA

Hi!

My name is Stefanie Fife and I am a member of NARAS. I have made my living as a session cellist in Los Angeles and recently started a Children's Music Label, Lemon Jam Records. The first problem is that there are no longer any independent radio stations that cater to children's programming. There is only one station, syndicated across the country, Radio Disney. Second, I have found it impossible to even submit material to Radio Disney, the only Children's Radio Station in existence. There is no such thing as local access in this arena, or even national access unless you are a major label. Thanks you for your time and concern,

Stefanie Fife  
4570 Van Nuys Blvd. #115  
Sherman Oaks, CA  
818 501-2283  
Lemon Jam Records  
[www.lemonjam.com](http://www.lemonjam.com)  
[sfife@dslexreme.com](mailto:sfife@dslexreme.com)



My name is Holland Davis. I am the worship leader at Ocean Hills Church in San Juan Capistrano.

I was the A&R / Marketing Director for Maranatha! Music, the founder of the Worship Underground Label. I also was the Director of Calvary Chapel Music. I'm the owner of generationpraise.com (an ASCAP publishing company). I'm a member of NARAS and ASCAP. I've been involved in radio promotions, label marketing. I was involved in putting together the WOW Worship Partnership with Maranatha! Music and created the Gold Selling Top 25 Praise Songs.

I am finding it in particular from Christian Radio networks.

KWVE 107.9 FM does allow for local artists, but their format is extremely limited. They only play local artists that fit a particular criteria. I have been fortunate to have a number of songs aired on KWVE.

But I've contacted 89.7 FM KSGN on two occasions. They say they are a publicly supported radio station, but they only play hit driven music and have not returned my emails. I thought that they would be open to local artists, but they recently changed their format and it sounds like all the other CHR / AC stations.

I know the KFSH used to have a local show that highlighted local artists, but now they only play what the reporting charts tell them to play. I very rarely find that they play local artists at all.

In the Christian Music Industry, the large market stations - Salem Broadcasting, The Way FM, etc. only play songs that fit a national playlist or that come through certain specific radio promoters. What I am told is that they are so busy getting so much music from so many sources that they don't have time to listen to everything and lean on their key radio promoters to steer them in the right direction.

I wish we could get back to the AO format that broke so many new artists in the 70's.

In my estimation, there is no voice for local Christian artists in the Southern California area.

Sincerely Yours,

Holland Davis

My name is Mike Barfield, I currently reside in Austin Tx. It has been my experience in the last few years; that local support or access to commercial radio stations has become increasingly out of reach for independent artists. I was previously active in a popular Texas band a few years ago called The Hollisters and our second LP or CD was released on the Hightone label out of Oakland Ca. They along with Rounder Records were two of the more well known indie labels at the time. Even with a publicist working for the label we were not able to get airplay in Austin Tx; where one would have thought the format fit quite well. The band at that time was based in Houston. The publicist informed me that she could get no response here and was mystified by it. Since moving back to Austin I have released a CD under my own name and label and have garnered favorable reviews here locally and in several national publications and still could not even get one song played on a commercial station.

In a town whose city council and chamber of commerce ballyhoo the virtues of Austin being the Mecca for musicians; I and most of my peers find it ironic that the door is closed to so many artists. I do understand the sad state that radio is in and that the amount of music to review and listen to is overwhelming at times but I play regularly at one of the top showcase clubs in town which in itself seems contradictory to the rhetoric of station managers who claim to champion local artists. Austin is certainly not alone in its exclusionary practices. Commercial radio stations throughout the country are just as bad or worse; but it seems more hypocritical in a town like Austin that prides itself on independence.

Doug McBride, Producer/ Owner, Gravity Studios, Chicago

My experience with access to Chicago radio stations in that over the past two or three years the "Local Shows" (those comprised of the "hippest" DJs playing the best local and regional music) have been moved from good evening slots to early sunday morning (or another equally useless slot). Shows like these make the bands that record at my studio feel recognition and help give them a reason to press on during a desperatly lame period in the music industry. It's a shame that Clear Channel (or whoever runs things these days) doesn't realize that the best music is organic and comes from small markets over time -- it's not the paint by numbers pap that they force feed us.

There you go --

Derek Chafin

Artist/Composer/Performer/Producer/Engineer/President of A.I.R. Records

There is only one station in the city that will program local music into its rotation, with any regularity, throughout the day - WXPB. This is genre specific, only artist that fit the stations Triple A format. In rock formats, programming local music is sporadic at best. Almost always, if local music is being played on these stations it's in a "Local Music Show" format, relegated to a late Sunday night slot.

Since local music usually means "self financed" the idea of "payola" or, more to the point, using "independent promoters" is not an option financially.

Local music being played on the airwaves is to a high degree an exception to the rule. This is unfortunate not only for local artists and for consumers but it also has impact outside of mainstream radio. Typically underpowered College radio is also affected. Record stores, entertainment venues are also affected by a climate that doesn't promote what would certainly be wanted - to buy these artists products (from coffee shops to record stores, to T shirt shops) and/or help invigorate the local economy by going out to see these artist perform live, which impacts not only the entertainment venue itself but also restaurants and other establishments.

From what I have heard, the quality of this music is no factor in its lack of airplay. By not playing local music from all genres in regular rotation, it only generates a climate of apathy towards music in general and also leaves an impression that only "national" music is worth listening to. In doing this, it makes the consumer/listener under exposed to all music, local and national, because the climate provides a less than vital feeling. New "national" artist also feel an impact from a climate that almost makes a listener/consumer less likely to purchase new music. What starts locally also has an impact nationally. The health and vitality of all music, and the commerce around it, has roots in "hometown" music.

Derek Chafin

I am a lawyer in the music business, representing numerous artists and record labels, both "new" and established artists. Other than Sunday night "local" shows my clients find it nearly impossible to get radio play. Most often they are told the programs are programmed with national playlists. This is hurting the ability for new artists to reach the public and I would love to see a requirement, like in Canada, that there be local content on all stations.  
HH

Howard Hertz  
Hertz, Schram & Saretsky, P.C.  
1760 South Telegraph Road, #300  
Bloomfield Hills, MI 48302  
(248) 335-5000

To whom it may concern:

In the last 10 years the relation of the recording industry with the radio stations has deteriorated drastically. It has become almost impossible to break new artist and/or songs via radio, at local and/or national level.

This deterioration came hand to hand with the consolidation of the media industry, and is not a "local problem".

In the Latino market when you have one company that owns a TV Network with an 80% market share, is the bigger player in radio, and also owns several recording labels, you only need to look at the charts to get the picture.

In the Spanish speaking radio market the access to radio play in big markets for an independent label and/or artist is almost impossible, unless you are able to spend big bucks behind a promotion.

And that is a viable option if you are able to get through and have any contact the person in charge of the music at a major station in a major market, something that most of the times is almost impossible.

Lately I have seen also a lot of conflicts of interest, in Spanish radio, by which radio personalities (MD's, PD's etc) are directly involved with management, production of artist, promoting events, record labels (owned by them) and publishing (owned by them).

On some Anglo stations (Urban format) unless you deal through a consultant the record is not even considered and is a normal practice to pay the consultant a fee per station that adds the song.

I am still wondering what happened with the "big FCC investigation" that was to happen after the Fonovisa payola incident some years ago that suddenly went silent.

The industry as a whole is to be blamed for allowing this "system" to grow, and to do whatever it takes to get airplay and exposure.

Luis G. Pisterman  
Aries Music Entertainment Inc.  
4242 Sunset Blvd. Suite 1  
Los Angeles-CA 90029

Tel: (323) 667-2930  
Fax: (323) 667-2950

Aries Music Entertainment Inc is an independent label distributed by a major

(EMI), we specialize in Regional Mexican, Hip hop and Chicano rap (urban market). The company was established in 1996.

As an individual I worked for several majors (Warner, BMG, Sony) and was heavily involved in producing, developing, marketing and promoting artist.

At one I gave up the effort of trying to contact radio stations on major markets due to the lack of response, attention and not agreeing with today practices.

From NARAS Texas Chapter member Connie Mims  
Greater Houston, TX metropolitan area  
Occupation: songwriter, performer

I've grown weary of hearing the same 10 songs in rotation on almost every station in this city. I'd like the opportunity to hear #29 to #100 on the Billboard Music Chart every once in awhile; not just repeat Tim McGraw, Kenny Chesney and Toby Keith's tunes over and over all day long. The only place to get local artists' music on the air is on the Pacifica-owned station, however, that presence is now dwindling down to give airtime to national and international programming. This "one world" philosophy in programming for the masses stifles the local and regional music being recorded and performed. Thank God for the few bold Americana radio stations that don't follow Clear Channel's or Infinity's path. I want more choice from the airwaves than what is being doled out every 42 minutes in rotation.



From Art Greenhaw; Mesquite, Texas 75149;  
musician/producer/arranger; leader, The Light Crust Doughboys;  
Grammy-Award 2002; Grammy Award Nominations 1997, 1998, 2000, 2001,  
2002, 2003;

Popular radio for the masses is in a sad state. Not only are there  
national playlists, but the conglomerates play exactly the same songs.  
As numerous program directors have told me, "we are not in the business  
of programming music or supporting musicmakers and music, we are in the  
business of selling advertising".

The biggest challenge for the future of recording is leveling the  
playing field in radio and completely leading a revolution to change  
independent promoters and national playlists.

Count me in to join you for reform, and please call for my specific  
ideas and suggestions. America is historically known for our legacy in  
music and for fresh, new songs in a variety of fields, ---and we're  
rapidly losing our radio heritage.

[www.artgreenhaw.com](http://www.artgreenhaw.com)

My "Localism" story,

I spent a few years building a relationship with a DJ on 93.9 WKYS (Washington, DC). She started out with a one hour show that eventually turned into a 4 hour show once a week. Whenever I had new material out she would listen to it and if she liked it she would play it and solicit feedback from her listeners. I had a couple of songs added to regular rotation on her show.

Anyway, in late 2003, I sent her some new material only to be informed, by her, that she could no longer program her own material. All music had to be approved by the central office (which I think is in Atlanta). Well of course I didn't have a relationship with anyone in Atlanta so all those years of relationship building were apparently for naught.

Eric Campbell  
Producer / Hip Hop Artist  
Rahab Inc (www.rahab.com)  
Washington, DC  
<http://www.rahab.com>  
718-504-9642(NY)  
202-517-9164(DC)

My name is Jan Smith. I live in Atlanta, Georgia and I own and operate one of the nation's leading vocal coaching, vocal production, and artist development facilities catering to many of today's national and charting recording artists.

Regarding radio with specific attention to what's known as 'localism.' I don't even listen to radio anymore because of issues such as these. Radio is no longer available for creatively serving its listeners, rather tends to be consumed by answering the call of advertising dollars and mandatory playlists. I'd rather just purchase the cd, go hear the artist(s) perform live, and listen to the news on the radio.

Sincerely,  
Jan Smith, Owner  
Jan Smith Studios, Inc.  
Homegirl Music Publishing  
Smith & Huston Productions, LLC

Annette Conlon  
Dallas, TX  
Eden Automatic  
'NetteRadio

My Occupation is two-fold.

- 1) Independent Musician (Unsigned)
- 2) Host of Internet Radio Show promoting Independent Musicians (Unsigned)  
Focusing on Female acts.

3) Personal Experience:

I have been an Independent Musician (Unsigned) for 12 years, and have put out 4 CDs. Over the course of time we have been fortunate enough to have college radio play in some markets. However, commercial radio play has never been an option if the station was a mass market owned station.

Independent stations? Sure, they are always willing to take a risk and play the odd local band when you came through town.

At least they were before they were gobbled up and reduced to playing a cloned tape distributed by some vast satellite system where the same voice beams down from NY to Boston to Kansas to Denver, Vegas, and LA.

How and when this happened is irrelevant. We were all asleep and this insidious industry cancer spread quickly and widely. But now, unless you are literally dating someone at the radio station, or partying with said folk, you are hard-pressed to get your music played on the weekly local show. Anything outside of the weekly local show - well that is completely out of the question - it is impossible to even get a meeting with the "Music Director". Oh wait, that's old school, before National Playlists.

Promotions are the same nationwide, the music is the same nationwide, there is no recognition of regional taste and sadly there are no longer regional break-out artists. Instead, hits are pre-manufactured by the labels. We don't make our choices as listeners, they are made for us.

As a promoter I was denied access to radio publicity in Dallas when I put on a big benefit last year. The "local" station KDGE "passed" on promoting my 3 show benefit (to raise money for the Rock Camp for Girls in Portland, OR) and I was told there were no free community service announcements available. None of the radio stations would promote the show, but I happened to have met a direct contact in the sales department who said he would "try".

As artists, we are given less and less options. We send our CDs out to the

radio stations and never hear back from them. If we have a label behind us then we have the means to push the label to play the song, but on our own it is just sending the CD off into the great beyond.

Internet radio, college radio, and the very, very few independent stations are our only recourse. For that we are ever grateful.

If you can make a difference then HAIL the FCC!

Annette Conlon  
Eden Automatic  
[www.edenautomatic.com](http://www.edenautomatic.com)

'NetteRadio  
[www.netterradio.com](http://www.netterradio.com)  
Wed 8-10 PM

Dedicated to playing indie women music, from piano to punk!

Lisa Haley  
Hawthorne, CA  
Musician, live performance, records getting airplay in indie radio

Dear Recording Academy:

I have had airplay this year on indie, college, NPR, and Americana radio stations.

I have had no airplay on any mainstream station -  
Despite a record deal with RYKO/Warner.

I have been told by a friend of my then-manager, who works for ClearChannel, that I would have to spend thousands to a radio promotion firm for "promotion" in order to get any airplay - that basically each 'spin' of a tune costs approximately \$500.

I have many associates who have the same story - no big budget, no airplay.

Sincerely,  
Lisa Haley  
310-676-4884

Getting independent music played in local stations has never been an easy task, but over the last few years it's become nearly impossible. With national corporate ownerships such as Clear Channel and Infinity Broadcast, the local interests are completely overlooked by their nationally imposed playlists. Some corporate head in New York or Chicago or LA makes the decisions as to what songs will be played, at what times and how often, even in Austin TX.

I've produced several local and regional acts and their stories are very similar: when they're finally successful at contacting the so called 'program director' in these stations the response is 'sorry, we have to follow the corporate playlist'.

There are still, however, a few, very few, stations that still have control over their playlists, and in Austin, stations such as KLBJ-fm and KGSR-fm do a world of good to local and regional acts that otherwise would never get on the air. These are the stations that actually have the power to break an artist. Once a new artist successfully gets into these stations' playlists, labels pay attention.

What I might suggest to corporate radio, is this: why not have a percentage (even a low percentage would be a start) of their playlist be controlled by the local program director, and enforce a condition where this percentage be of material relevant to the local community. And if a particular song in that playlist becomes very well received, then bump it up to a more regional level, etc. This would be a tremendous help to independent artists.

Carl Thiel  
Austin, TX  
Record Producer, Composer

#### COMMENTS / EXPERIENCE WITH RADIO

In answer to your question - my experience is that current radio practices may not necessarily prevent "the airing of local media content" but they do significantly "limit" the playlists of local radio and therefore limit access to mainstream local radio to the independent label and independent artist. The current radio practices have "prohibitive" high entry costs to radio playlists charged by independent promoters, and it has become "cost prohibitive" for many independents to gain access to mainstream radio airplay as a result of such practices. This is hurting the ability of the country to provide diverse music for the people, hurting the ability of the artists to be treated fairly on the merit of good music, and hurting the ability of our industry (and the independents) to grow in a fair and equitable way. I/we support any changes in radio practice that would allow mainstream radio to have equal opportunity for all music, one that is not financially incentivised, and one that does not therefore prohibit many from gaining access to mainstream local radio.

Thank you for your attention to these comments and your kind efforts on all our behalfs.

Sincerely,  
Samantha

Genie  
Genie Entertainment  
212.431.5098 (NY Office)  
646.221.4363 (Cellphone)  
212.941.4694 (NY Fax)  
GenieEntUS@aol.com  
www.GenieEntertainment.com  
154 Reade Street, 2nd Floor,  
New York, NY 10013.



Steve W. Mauldin  
112 Venlee Drive  
Hendersonville, Tn 37075  
Joined Atlanta Chapter of Naras in 1976 transferred to Nashville in 1981.

Producer/Arranger in the commercial music industry since 1972. (I write 230 arrangements per year)

Thank you for investigating this area of our industry. I have long been relaying the opinion that the current system of radio song selection has not only reverted back to a system of payola, but it has destroyed the creativity once cherished by the music industry.

I hold these statements to be true according to my association with record companies. Payola now exist in the form of "consulting firms" who recommend cuts to the national playlists. Without their approval from a "demographic" research the song will not make a playlist. The more you pay, the more likely you will make the playlist, through the consultant.

1. Demographics is the most destructive element ever interjected into the music industry. Demographics can not predict what people will like if they get a chance to hear it, demographics can only predict that if people liked a song like this on in the past they will like another one just like it tomorrow. Thus we have the same country song being released with the same sounding track and only the lyrics and name of the artist changes.

If Roger Miller were to walk into a record company in Nashville today with Dang Me, Dang Me, or you Can't Rollerscape Through a Buffalo Heard, he could not possibly become the success he became in the 60's. Even if Roger would find a record company who thought his whacky material was worth recording, the consulting firms would not even take Rogers's music to test market because they would immediately predict that his music would not fit any of the demographics they have recognized. Rogers's creativity would have been squelched today, whereas back in the 60's a record company could DJ records directly to radio stations across the country and DJs would play it and let the people listening be the test market. Whacky songs like Alley Oop, They're Coming to Take Me Away, and I Don't Like Spiders and Snakes would hit an unpredictable chord with the listeners and sell MILLIONS of records unexpectedly. Often the "B side" would be played instead of the "A side" of a record making for a surprise hit. THAT cannot POSSIBLY HAPPEN TODAY.

I played golf with a radio station owner who told me they play 3 hours per day of programmed music that they have control over, everything else is off the satellite feed. A distant cousin of mine owns a station and echoes the same information both from the country and the gospel sides of his station.

In the mid 90's I had worked on a song which was climbing the Billboard Country

Charts. The record company was the largest independent record company in Nashville. The song was placed on heavy rotation here in Nashville on our major stations. On a Monday afternoon the staff was anxiously watching the placement of the song online before the positions locked in for the week. We had progressed from #25 to #6. The head of the label, (Who relayed this story to me directly and I know him to be an honest man), received a call from an old comrade who had once been at the same major label with my friend and had crossed wires along the way. This man was now a major consultant who had come across my friend's song and called offering the following words of negotiation, "Send me a check for 50,000.00 this afternoon and you will have a #1 in two weeks, if not the song will drop like a rock." My friend immediately took offense and expressed his doubts that one man could make such a difference and expressed this belief that the song was strong enough to make it on it's own merits without any payola. At 5:20, just before the 5:30 lock time for the week our song fell from the #6 position it had gained all week back to the #25 position and within the next two weeks it had fallen completely out of the top 100 in Billboard.

2. The creation of videos has made the music industry more about the picture than the music. Music has been pushed to the very back of the process. At one of our Naras meetings Tony Brown spoke and he said they used to bring him a tape and say, "see if this girl has talent and if you think you can make a singer out of her then we will run her through the publicity mill, get her teeth capped, etc." Now they come with a finished photo shoot of the glamour artist and say, "this is our next major star, now make her sound like a singer." So we record 20 tracks, comp the best into one, time align it, pitch correct it and use dozens of plugins from Protools to make her sound decent. Jerry House, local radio DJ in Nashville exclaimed after the last CMA awards show where he actually heard some of the major stars sing live, "The CMA has to come up with an award for the Best Protool job on a singer."

The reality is that the days of Loretta Lynn going from station to station asking them to play her songs is over. The days of a GREAT voice like Patsy Cline singing great songs with great music making up the charts because it is uncommonly good, is over. Currently it is "What does she look like, is she skinny, is she beautiful," and then we fix everything else. That is why our sales is off, we are promoting crap! I asked a record executive about an artist I was producing. He asked, "What does she look like?" to which I replied, "She's skinny, blonde and beautiful, and can really sing. He then asked, "How old is she?" I replied, "Twenty-six." He shook his head without even hearing my artist and said, "If she's over eighteen.....we're just not interested." That's just dumb, show me a skinny eighteen year old who can sing as well as Patsy Cline!

My personal opinion is that the consultants should be busted, the demographics should be abandoned and let the singers and musicians play and sing, and let the people decide what they like. If the girl is ugly and fat but sings great, why don't we record her anyway and include a subscription to Playboy to those who think all singers have to be beautiful. I have threatened to find a girl who sings great but never let her be seen. Each project would feature a new model on the front and the videos would show several skinny beauties lip singing to the good singer's voice. Somehow we must get back to the music.

It IS about the music. Make better music and we will sell more units.

Thank you for indulging my ramblings, this has been a sore subject with me for a very long time and I do believe it is hurting industry.

Steve W. Mauldin

Chris Parker, Memphis, TN, musician, educator

Most radio station playlists are determined by nat'l/int'l trends.

In other words, whose selling the most records, what major label is an artist on, whose on a specific nat'l chart, etc. Local interest is left to mostly community radio, and occasionally college radio. The only effective way to get an event supported by radio, or information on the airwaves is by paying for it. This leaves most local bands out of the scene.

A radio station makes an artist feel they owe the station something.

For example to get my wife's record on the "smooth jazz" station, a Clear channel station, we had to play events for 0 \$'s from the station. Our small local label had to sponsor us by paying the sidemen and the leader played for free. The role of clear channel in the radio world can also make it difficult for locals to break through.

But, these are commercial entities. They are not art sponsors. They make money off of art. Therefore they can support or not support womever they want. Maybe this is the problem.

Dear Recording Academy,

Thank you for helping to reduce the problems with corporate consolidation of radio and other media.

I have had absolutely no luck in getting corporate-owned radio stations in SF to respond to letters, calls or e-mails. In striking contrast, two local radio stations affiliated with colleges (Foothills and SFSU) booked me on programs in the past year. They responded within one month, and I only had to make one phone call in each case. Fact: Locally-controlled radio stations are more likely to be responsive to local musicians (and issues!).

I have also witnessed how corporate consolidation has influenced the performance, promotion and acquisition of new music through my involvement with two songwriter's associations in Los Angeles and San Francisco. The resultant resurgence in local music scenes -- forced to use the internet rather than more "conventional" media -- has been very impressive during the last three to five years.

The FCC should do everything it can to reverse the media market consolidation that began last year as a consequence of its new rules.

Thank you for your kind consideration.

David A. Graves  
Composer and Recording Artist  
1742 28th Avenue  
SF, CA 94122

Anthony Caroto (Philadelphia, PA)

My role in the music industry:

I am the editor/publisher of Philadelphia's only local music publication: Origivation Magazine. Published monthly since December 2001, our focus is on the local, unsigned artist/band.

My personal experience:

1) During an interview with Y-100 FM in Philadelphia in the spring of 2001, I asked music director Dan Fein why a local band could not receive regular airplay at his station even if the band fit their format and had a well produced/mixed/master product to promote. His response was that their advertisers do not like having "unknown" bands surrounding their ad spots. My response was that every song has to be heard for the first time somewhere. he also informed me that some labels will not give them permission to play their bigger artists if they don't help promote the smaller ones also.

2) In the spring of 2003 I tried getting a local music show on 93.3 WMMR in Philadelphia. The major stumbling block I was hitting was that the station manager did not feel that people were interested in hearing local music. To challenge his stance, I sent out an email to the people on my list asking them to email the station in support of a local show. The response was so overwhelming in such a short amount of time that their server crashed. The station refused to acknowledging the support. Instead, they just sent me an email telling me what happened and that they would never work with me because of it. So maybe this wasn't the best way to get their attention- but at least I got it.

Thanks.

Sincerely,  
Anthony Caroto  
Editor/Publisher  
Origivation Magazine  
Philadelphia, PA  
[www.origivation.com](http://www.origivation.com)

Eric Blackmon Augusta, Georgia:

I am a songwriter, publisher, producer, engineer and hip-hop recording artist under my independent production label. I've been in business for fifteen years or more as an independent and in all of my years in business I have not had any radio airplay for the seven releases that I've released under my independent label. Not because my music is not good nor because of any unprofessional production on a record.

Local radio stations in this area refused to put my songs in their playlist because they said that in order to get any spins that I had to be signed with a major record label. Well, no major record label was going to sign a label without them creating a buzz in their area (so I've heard). I'm not sure to what's happening in this area or any other area concerning localism in radio but I do know that something must be wrong if an independent artist or label that has been in business as long as I've been in business can't get a song into rotation legitimately without having some major label backing.

The radio stations must have another agenda because for what ever reason it is they are black balling independent artists and their labels if a certain criteria is not met, regardless of the time a label has been in business. Because of this practice my business and I have suffered a long continuous drought of slow record sales and numerous occasions of insults to my craft by major recording artists. Thus, the public has been brain washed by this media not to except any artist as being good or successful without them receiving some radio airplay or having a video. I've had to revise another way of attracting attention to my music by buying their promotional advertising slots to help generate record sells due to the lack of airplay. Even after that, radio stations still would not except my music into their play lists. This has been going on for so long that I don't even approach radio any more.

Eric Blackmon  
President/CEO  
Funky Stix Music Production, Inc.

Gordon Brislawn  
Oakland California  
Music Producer/Recording Engineer

There seem to be only one way for new artists to get radio play. A Major Label push typically involving two million in promotional expenses nation wide. Even this is not a sure thing.

We need to do something more like Canada where some percentage (50% or more) are local unsigned artists. The Radio industry like many things in America was build on individualism and local communities. This approuch would return some of that individualism and open the market to a greater variety of new and emerging artists.

Gordon Brislawn



Lisa Lauren  
Evanston, Illinois  
Independent Recording Artist

My promoter told me flat out that she is "not allowed" to call on any Clear Channel program directors or music directors in order to promote me. She is an independent promoter and I am an independent artist. This is not only unfair, it's creepy.

I am a songwriter/composer, and am located in Buckingham, Pa.

Access to local radio stations is a very frustrating task to achieve. It does appear that a very short play list has things tied up.

When my company released a cast CD recording, of my musical "That's What Kids Do!", and received rave reviews from respected places including, "School Library Journal" (called the work, "upbeat, fun and powerful"), and the "American Library Association Book list" ( called the work " a listening pleasure"), we still couldn't get air play on WXPB's children's hour.

And if you're doing adult contemp., R&B or top 40, airplay for the small independent is even more closed.

It would be wonderful if a more equitable system were in place.

Sincerely,

Cathy Block

As a recording artist and executive, my music is played on worldwide radio in over 150 countries but when it comes to home it's a different story. I have seen a lot of resistance from the local radio stations, until I placed an ad on their stations and got a courtesy play or two. - LoRene`

Artist/Songwriter/Author  
Owner/manager of D'Vision II Entertainment,LLC  
Washington State